

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 12-828M(NS)

An Express Mail parcel mailed on March 6, 2012 bearing label number EI134962986US. This parcel bears a handwritten label addressed to "James Crosby," 4661 N. 19th St., Milwaukee, WI 53209, and bears the return address of "Max Crosby," 1930 A St., Eureka, CA 95501. The parcel is 16 inches, by 16 inches, by 16 inches, weighs approximately 9 lbs. 11oz., and bears \$76.95 in postage.

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Mark Spellman, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

An Express Mail parcel mailed on March 6, 2012 bearing label number EI134962986US. This parcel bears a handwritten label addressed to "James Crosby," 4661 N. 19th St., Milwaukee, WI 53209, and bears the return address of "Max Crosby," 1930 A St., Eureka, CA 95501. The parcel is 16 inches, by 16 inches, by 16 inches, weighs approximately 9 lbs. 11oz., and bears \$76.95 in postage.

located in the Eastern District of Wisconsin there is now concealed: Please see attached affidavit, which is hereby incorporated by reference.

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date March 13, 2012

City and state: Milwaukee, Wisconsin

Applicant's signature

Name and Title: MARK D SPELLMAN RTH/INSP/DET

Judge's signature

THE HONORABLE NANCY JOSEPH

United States Magistrate Judge

Name & Title of Judicial Officer

AFFIDAVIT

I, Mark Spellman, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Field Office of the United States Postal Inspection Service. I have been employed as a Postal Inspector for over 20 years. My primary duties include investigating mailing of suspected controlled substances. As a Postal Inspector, I have been involved in several investigations of narcotics trafficking through the United States mail. Based upon my experience as a federal law enforcement officer, I know that the United States mails are sometimes used to deliver controlled substances.

2. The information contained in this affidavit is either the result of personal observations and investigation or has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable.

3. The Postal Inspection Service has implemented a U.S. Mail Narcotic Interdiction program nationwide. This program consists of a physical inspection of mail parcels which have been mailed to or from locations throughout the country. Packages bearing identifiable characteristics of drug parcels are subjected to a certified narcotics dog trained to detect controlled substances.

4. This affidavit is submitted in support of an application for a search warrant for a 16 inch, by 16 inch, by 16 inch Express Mail parcel mailed on March 6, 2012, bearing label number EI134962986US. This parcel bears a handwritten label addressed to "James Crosby," 4661 N. 19th St., Milwaukee, WI 53209, and bears the return address of "Max Crosby," 1930 A St., Eureka, CA 95501. The parcel weighs approximately 9 lbs. 11oz. and bears \$76.95 in postage.

5. On March 14, 2012, Postal Inspector Mark Spellman was profiling Express Mail at the Milwaukee Processing and Distribution Center. Inspector Spellman observed a suspicious Express Mail parcel from Eureka, California going to Milwaukee, Wisconsin.

6. The parcel originated from California which is a known source state for narcotics. Your affiant has determined from Postal Management that no one by the name of "James Crosby" is listed or receives mail at the address of 4661 N. 19th St., Milwaukee, WI 53209. Your affiant knows by his training and experience, that parcels which contain controlled substances often use fictitious address information in order to make the mailing seem legitimate.

7. On March 14, 2012, Inspector Spellman picked up the parcel described in paragraph 4 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Postal Inspection Service office. On this same date, I met with Milwaukee Police Detective Eugene S. Nagler and his canine "Duke," who are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and Duke were originally certified on June 25, 2004, and are recertified annually with a recent recertification on June 6, 2011. The controlled substances they are certified in detecting include marijuana, heroin, and cocaine. Detective Nagler stated Duke has alerted over 500 times including training, to the presence of controlled substances he is trained to detect. Duke's alerts have been the basis for more than 100 search warrants, and more than 100 searches of motor vehicles. In addition, according to Inspection Service records Duke has

successfully alerted to controlled substances on U.S. Mail Parcels and letters on 82 occasions since February of 2008, for a success rate of 100%.

8. On March 14, 2012, Inspector Spellman placed the aforementioned parcel on the ground in the parking garage of the REACT Task Force with five other similar parcels. Duke alerted on the parcel bearing the address of "James Crosby," 4661 N. 19th St., Milwaukee, WI 53209, as described in paragraph 4 above, by scratching and biting at it. Detective Nagler advised these actions are consistent with Duke detecting the odor of controlled substances. Duke did not alert on any of the other five parcels.

9. I believe that, based upon the evidence described above, there is probable cause to indicate that the contents of the parcel bearing the address of "James Crosby," 4661 N. 19th St., Milwaukee, WI 53209 are drug related, and may thus be evidence of using the mail to facilitate the possession and/or distribution of a controlled substance, in violation of Title 21, United States Code 843(b).